

ORIGINAL

EDWARD H. KUBO, JR. 2499
United States Attorney
District of Hawaii

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

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MAR 17 2008
at 10 o'clock and 00 min. A.M. J
SUE BEITIA, CLERK

Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

RAYMOND WARE,)	CIVIL NO. 04-00671 HG LEK
)	
Plaintiff,)	STIPULATED VERDICT FORM; ORDER
)	
v.)	
)	
MICHAEL CHERTOFF, Secretary,)	
DEPARTMENT OF HOMELAND)	Trial: March 11, 2008
SECURITY,)	Judge: Hon. Helen Gillmor
Defendant.)	
)	

STIPULATED VERDICT FORM

The parties to this action hereby stipulate to the following
special verdict form.

DATED: March 14, 2008, at Honolulu, Hawaii.

EDWARD H. KUBO, JR.
United States Attorney
District of Hawaii

/s/ Daphne E. Barbee

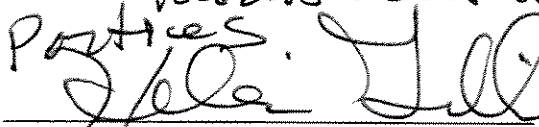
/s/ Thomas A. Helper

DAPHNE E. BARBEE
Attorney for Plaintiff

By _____
THOMAS A. HELPER
Attorney U.S. Attorney

Attorneys for Defendant

APPROVED AND SO ORDERED:

*Modifications agreed to by
Parties.*

HELEN GILLMOR
United States District Judge

Raymond Ware v. Michael Chertoff; Civil 04-00671 HG LEK
STIPULATED VERDICT FORM; ORDER

VERDICT FORM

1. Has the plaintiff proved by a preponderance of the evidence that the plaintiff's race and/or prior EEO complaint was a motivating factor in the defendant's decision to promote three other individuals to screening manager instead of plaintiff in August 2003?

YES

NO

If you answered "NO" to question number 1, you have rendered your verdict. Skip the remaining questions, have the Foreperson sign this verdict form, and advise the Court that you have reached a unanimous verdict.

If the answer to Question No. 1 is "YES," proceed to Question No. 2.

2. Has the defendant proved, by a preponderance of the evidence, that the defendant would have made the same decision not to promote plaintiff even if the plaintiff's race and/or prior EEO activity had played no role in the defendant's decision not to promote plaintiff?

YES

NO

If your answer to Question No. 2 is "NO," proceed to Question 3.

If your answer to Question No. 2 is "YES," you have rendered your verdict. Skip the remaining question, have the Foreperson sign this verdict form, and advise the Court that you have reached a unanimous verdict.

3. What sum of money, if any, do you unanimously agree will fairly and reasonably compensate plaintiff for the injuries he proved he suffered as a result of the race or retaliation discrimination you found?

\$ _____

JURY CERTIFICATE

THE VERDICT MUST BE UNANIMOUS AND MUST BE SIGNED BY THE JURY FOREPERSON.

Presiding Juror